



The relief described hereinbelow is SO ORDERED.

Signed October 20, 2010.

Ronald B. King
United States Chief Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IN RE:

MONTE NIDO ESTATES, LLC

Debtor.

§
§
§
§
§
§
§

CASE NO. 10-60920-RBK

Chapter 11

**ORDER GRANTING MOTION OF
PACIFIC MERCANTILE BANK FOR AN ORDER
(A) DETERMINING THAT MONTE NIDO ESTATES, LLC
IS A SINGLE ASSET REAL ESTATE DEBTOR, AND
(B) REQUIRING THAT MONTE NIDO ESTATES, LLC COMPLY WITH
THE REQUIREMENTS OF BANKRUPTCY CODE § 362(d)(3)**

Upon the motion (the "Motion")¹ filed on August 18, 2010 by Pacific Mercantile Bank, seeking a determination that the Debtor is a single asset real estate debtor and requiring that the Debtor comply with section 362(d)(3) of the Bankruptcy Code; it appearing that good cause exists to grant the requested relief; the Court having considered the Motion and all related pleadings, documents, and argument of counsel; it appearing that the form, scope, and timing of notice of the Motion was adequate under the circumstances;

¹ Capitalized terms not defined herein have the meaning ascribed to them in the Motion.

IT IS HEREBY ORDERED that:

1. The Motion is granted.
2. The Debtor meets the definition of a “single asset real estate” debtor, as that term is defined and used in section 101(51B) of the Bankruptcy Code and is subject to Bankruptcy Code § 362(d)(3).
3. This Order will be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code;
4. The Court will retain jurisdiction to hear and determine all matters arising from implementation of this Order.

#

Order prepared and submitted by:

Patricia B. Tomasco

State Bar No. 01797600

MUNSCH HARDT KOPF & HARR, P.C.

401 Congress Avenue, Suite 3050

Austin, Texas 78701

Telephone: (512) 391-6100

Facsimile: (512) 391-6149

Email: ptomasco@munsch.com

-and-

Justin E. Rawlins (admitted *pro hac vice*)

California State Bar No. 209915

WINSTON & STRAWN LLP

333 South Grand Avenue, Suite 3800

Los Angeles, California 90071-1543

Telephone: (213) 615-1700

Facsimile: (213) 615-1750

Email: jrawlins@winston.com

ATTORNEYS FOR PACIFIC MERCANTILE BANK